

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

_____	:	
MICHAEL and KELLY YURCIC	:	
	:	
v.	:	
	:	
PURDUE PHARMA, L.P.	:	C.A. No. 02-CV-3737
and	:	
PURDUE PHARMA, INC.	:	
and	:	
PURDUE FREDERICK COMPANY	:	
and	:	
ABBOTT LABORATORIES	:	
and	:	
ABBOTT LABORATORIES, INC.	:	
and	:	
MORTON RUBIN, M.D.	:	
and	:	
HOWARD R. COHEN, M.D.	:	
_____	:	

DEFENDANT'S, HOWARD R. COHEN, M. D.'S,
WRITTEN STATEMENT OF INITIAL DISCLOSURE

Defendant, Howard R. Cohen, M. D., pursuant to Rule 26(a)(1)(A), (B), (C) and (D) of the Federal Rules of Civil Procedure, and without waiving any claim of attorney-client privilege, or work product protection makes the disclosures contained herein. Defendant states that documents containing information related to these disclosures will come from Dr. Cohen. Defendant expressly reserves the right to supplement these disclosures and to introduce additional information in connection with any motion, hearing or trial as discovery proceeds.

A. Rule 26(a)(1)(A) Disclosure

Provide the name and, if known, the address and telephone number of each individual likely to have discoverable information that the disclosing party may use to support its claims or defenses, unless solely for impeachment, identifying the subjects of the information.

RESPONSE

Defendant, Howard R. Cohen, M. D., states that because discovery is in its initial stages, he has not had the opportunity to conduct meaningful discovery or investigation concerning the named Plaintiff or the facts and issues in this case. As discovery proceeds, Defendant will seek to discover the names and addresses of individuals, physicians, clinics or businesses likely to have discoverable information relevant to the disputed facts in this case. Defendant expects that such individuals will also include the Plaintiff's relatives, friends, associates, neighbors, employers, co-workers, physicians and other health care providers. This may also include any individuals identified in the relevant medical records¹. These categories of individuals, and any other individuals with discoverable information relevant to this case, may have information regarding the Plaintiff's medical, occupational, family, and lifestyle histories. Defendant states that he does not currently know the names and addresses of such individuals, but states that the Plaintiff and Plaintiff's counsel may know the names and addresses of such individuals.

It is not reasonably possible for Defendant, Howard R. Cohen, M. D., to identify with specificity every individual likely to have "discoverable information" relevant to disputed facts alleged in the Complaint. By providing

¹ Answering defendant specifically reserves the right to Discover any information alluded to in the medical records.

the information above in good faith Defendant does not represent that the list identifies all individuals who may have personal knowledge as contemplated pursuant to Rule 26(a)(1)(A).

Answering defendant also reserves the right to supplement this response.

B. Rule 26(a)(1)(B) Disclosure

Provide a copy of, or a description by category and location of, all documents, data compilations, and tangible things that are in the possession, custody, or control of the party and that the disclosing party may use to support its claims or defenses, unless solely for impeachment.

RESPONSE

Defendant, Howard R. Cohen, M. D., states that he is in the process of gathering, by subpoena, all relevant medical records regarding the medical condition of the plaintiff. These include the medical records of all treating physicians to ascertain the relevant medical history. In addition, the treatment records of Dr. Cohen are entirely within the hospital records from Holy Spirit Hospital, which are enclosed herein. See attached at Exhibit "A". Given that discovery is in its initial stages, it is impossible to comprehensively identify other documents, aside from medical records, which may contain information relevant to the disputed facts alleged in the Complaint. Defendant specifically reserves the right to supplement this response.

C. Rule 26(a)(1)(C) Disclosure

Provide a computation of any category of damages claimed by the disclosing party, making available for inspection and copying as under Rule 34 the documents or other evidentiary material, not privileged or protected

from disclosure, on which such computation is based, including materials bearing on the nature and extent of injuries suffered.

RESPONSE

No disclosure is made pursuant to this subsection since Defendant is not seeking damages from Plaintiff.

D. Rule 26(a)(1)(D) Disclosure

Provide for inspection and copying as under Rule 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgement.

RESPONSE

Defendant, Howard R. Cohen, M. D. state that he will produce discoverable policies.
He is insured within the statutory limits by PMSLIC and the Pennsylvania CAT Fund.

WHITE AND WILLIAMS, L.L.P.

By _____
Allan H. Starr (Atty. I.D. 04975)
Stephan R. Paul (Atty. I.D. #86896)
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Attorneys for Defendant
Howard R. Cohen, M. D.

CERTIFICATE OF SERVICE

I, Stephan R. Paul, M. D., Esquire, hereby certify that a true and correct copy of Defendant's, Howard R. Cohen, M. D.'s, Written Statement of Initial Disclosures has been served upon the following persons, by first class United States mail, on September 6, 2002:

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